

SENTENCING MINUTES

DATE: JANUARY 25, 2024

CASE NUMBER: 3:22CR121

JUDGE: M. HANNAH LAUCK

CT REPORTER: RUTH LEVY, OCR

INTERPRETER: JOHNNY BENNINGFIELD

UNITED STATES OF AMERICA

KASHAN PATHAN &
STEPHEN ANTHONY, AUSA

v.

COUNSEL

JULIO CESAR ALVARADO DUBON

JOSE APONTE, ESQ.

☐ Criminal Information

SENTENCING ON COUNT(S): ONE (1)

☒ Indictment ☐ Superseding Ind.

PRELIMINARY MATTERS: Deft's motion to correct year of birth as noted in the Statement of Facts and PSR GRANTED. Court ORDERS Govt to file Amended Statement of Facts and USPOfficer to correct PSR to reflect the year of birth as "1970".

OBJECTIONS TO PSR: No objection to PSR as to factual finding. PSR ADOPTED (with correction as noted above).

STATEMENTS MADE BY: GOV'T ☒ DEFENSE COUNSEL ☒ DEFT ☐

ON MOTION OF GOV'T., ☐ INDICTMENT ☐ REMAINING CTS. DISMISSED.

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: _____ BY: _____

☐ IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFT ADVISED OF RIGHT OF APPEAL within 14 days of today ☒

DEFT REMANDED TO CUSTODY ☒

CASE SET: 11:00 AM BEGAN: 11:11

ENDED: 1:42

TIME IN COURT: :31

SENTENCE TEXT

COUNT ONE IMPRISONMENT 16 MOS. CONCURRENT ☐ CONSECUTIVE ☐

CREDIT FOR TIME SERVED ON THIS CHARGE ☐

SUPERVISED RELEASE Not Imposed (Deft to be deported)

PROBATION _____ YEARS

FINE \$ _____ ☒ Fine not imposed

SPECIAL ASSESSMENT \$100.00 due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT ☐ CONSECUTIVE ☐

SUPERVISED RELEASE _____ YEARS CONCURRENT ☐

PROBATION _____ YEARS CONCURRENT ☐

FINE \$ _____ ☐ Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT ☐ CONSECUTIVE ☐

SUPERVISED RELEASE _____ YEARS CONCURRENT ☐

PROBATION _____ YEARS CONCURRENT ☐

FINE \$ _____ ☐ Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE ☐
ENTERED 10/4/2023 (ECF NO. 53)

RESTITUTION ORDERED: _____

RECOMMENDATION(S) TO BOP:

- | | |
|---|--|
| <input type="checkbox"/> Designate dft. to a facility near family | <input type="checkbox"/> Designate dft. to _____ FCI |
| <input type="checkbox"/> SHOCK Incarceration Program | <input type="checkbox"/> BRAVE Program |
| <input type="checkbox"/> Educational / Vocational training | <input type="checkbox"/> BOP 500-hr intensive drug treatment program |
| <input type="checkbox"/> UNICOR program <input type="checkbox"/> with _____ portion of earnings directed to child support | |

☐ OTHER: _____

SPECIAL CONDITIONS of Probation / Supervised Release:

- ☐ (1) Incur no new credit without approval of probation officer
- ☐ (2) Provide probation officer with access to financial information
- ☐ (3) Perform community service _____ HOURS during period of supervision
- ☐ (4) Participate in drug/alcohol treatment; ☐ Pay cost of treatment
- ☐ (5) Participate in mental health treatment; ☐ Pay cost of treatment
 - ☐ Participate in anger management
- ☐ (6) Participate in home confinement program for _____ with monitoring
 - ☐ Permitted to work, attend church, or other approved activities
 - ☐ Maintain telephone without special features; no cordless phone
 - ☐ Pay costs of electronic monitoring
- ☐ (7) Placement in a Community Confinement Center for _____ (term)
- ☐ (8) **Defendant to be surrendered to BICE for deportation proceedings**
 - ☒ **If deported, defendant to remain outside the United States**
- ☐ (9) Mandatory drug testing waived
 - ☐ Probation officer may still administer drug test if deemed appropriate
- ☐ (10) Pay child support in amount ordered by social services or Court
- ☐ (11) Serve intermittent confinement on weekends for a period of _____ DAYS
- ☐ (12) No possession of pager, cellular telephone, or other handheld communication device
- ☐ (13) Defendant shall pay any balance owed on the S/A imposed by the Court
 - ☐ Pay in installments of not less than \$ _____ per month,
to begin 30 / 60 days after start of supervision until paid in full
- ☐ (14) Waive all rights of confidentiality regarding mental health treatment
(or other treatment) to allow release of information to Probation, etc.
- ☐ (15) Commencing _____, and continuing for _____, defendant may
operate a motor vehicle only for purposes of work and court, including travel to
the Probation Office and alcohol treatment program
- ☐ (16) Defendant to apply monies received from tax refunds, lottery winnings, and any
anticipated or unexpected financial gains to the Court-ordered financial obligation

☒ (---) **Other:**

Defense counsel's motion to continue representation on appeal as related to
Suppression Motion [ECF No.36] GRANTED.